

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3

4 UNITED STATES OF AMERICA,

Case No.: 2:14-cr-364-JAD-GWF

5 Plaintiff,

6 v.

7 CLIFFORD JAMES SCHUETT,

8 Defendant.

9

Order
(Docs. 144, 145, 146, 147, 150)

10 As I explained again to defendant Clifford Schuett during a hearing today, Local Rule 1A 10-
11 6 prohibits a party who is represented by a lawyer from filing motions on his own behalf: “A party
12 who has appeared by attorney cannot while so represented appear or act in the case.” Mr.
13 Schuett—who is represented by counsel—has been reminded of this rule several times. *See* Docs.
14 28, 38, 54, 58, 85, 91, 141. Since my last reminder, he has personally filed another motion to
15 withdraw his guilty plea, two more requests to postpone his sentencing hearing, another petition for
16 writ of habeas corpus, and objections to Magistrate Judge Leen’s denial of his motion for a bond
17 hearing and petition for writ of habeas corpus. Docs. 144, 145, 146, 147, 150.

18 I deny without prejudice each of these pro se motions and overrule without prejudice Mr.
19 Schuett’s objections. His motion to withdraw his guilty plea is denied for the additional reason that
20 it is merely a reurging of the same arguments I rejected in denying his previous motion to withdraw
21 his plea, *see* Doc. 116, and I find that reconsideration is not warranted. His requests to postpone his
22 sentencing hearing are also denied for the separate reason that they are moot: I continued the
23 sentencing hearing during today’s hearing based on Mr. Schuett’s requests. *See* min. at 152. Mr.
24 Schuett’s petition for writ of habeas corpus is also denied for the independent reason that this
25 prosecution is not the appropriate venue for seeking habeas relief. I reiterate to Mr. Schuett
26 (*see* Doc. 116) that if he seeks habeas relief, he must do so by filing a petition for writ of habeas
27 corpus in a new action (not within this criminal prosecution matter) after exhausting any
28 administrative procedures.

Finally, I again remind Mr. Schuett—as I did today in open court, that **if he believes he requires some sort of action from this court, he must consult with his lawyer, Rebecca Levy, Esq., who may then file the appropriate motion. I will continue to deny motions he personally files (instead of having his lawyer file them) because he has a lawyer who can file appropriate motions on his behalf.**

6 Accordingly, IT IS HEREBY ORDERED THAT Defendant Clifford James Schuett's:

7 • Motion to withdraw guilty plea (**Doc. 144**) is **DENIED**;

8 • Motions for Postponement of Sentencing (**Docs. 145, 147**) are **DENIED** as moot;

9 • Petition for Writ of Habeas Corpus (**Doc. 146**) is **DENIED** without prejudice; and

10 • Objections to the Magistrate Judge’s Order re: Bond Hearing and Petition for Writ of

11 Habeas Corpus (**Doc. 150**) are **overruled**.

12 DATED February 17, 2015.


JENNIFER A. DORSEY
UNITED STATES DISTRICT JUDGE